

III. REMARKS

1. Claims 1-11 remain in the application.
2. Claims 4 and 6 have been amended to overcome a rejection under 35 USC 112, second paragraph.

The amendments to the claims are not limiting, are not made for reasons related to patentability, and do not raise issues of estoppel.
3. Applicants wish to express their appreciation for the indication that claims 4-6 would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. However, Applicants believe that these claims are patentable as they stand for the reasons stated below.
4. Applicants respectfully submit that claims 1-3 and 7-11 are not anticipated by Turunen et al. (US 6,487,595, "Turunen").

Turunen fails to disclose or suggest a real time channel block for conveying the real time service components between the local real time applications and the radio transceiver, and a non-real time channel block connected in parallel with said real time channel block, for conveying the non-real time service components between the local non-real time applications and the radio transceiver, as recited by claim 1.

Turunen also fails to disclose or suggest directing the information related to the real time service components through a radio transceiver, and between said radio transceiver and the local real time applications through a real time channel block, and directing the information related to the non-real time

service components through the same radio transceiver, and between said radio transceiver and the local non-real time applications through a non-real time channel block connected in parallel with said real time channel block, as recited by claim 7.

Turunen further fails to disclose or suggest a circuit-switched telecommunication network for conveying, between the terminals, information relating to the real time service components, and a separate packet-switched telecommunication network for conveying, between the terminals, information relating to the non-real time service components parallel with the information relating to the real time service components, as recited by claim 10.

The Office Action correctly points out that Turunen lacks a specific teaching of separate channel blocks for real time and non-real time data within the mobile host. The Office Action further states that separate components for handling real time data and non-real time data would be inherent within a mobile host.

Applicants respectfully disagree because a rejection based on inherency must include a rationale or evidence showing that the missing characteristics are necessarily present. From MPEP Section 2112:

The fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish inherency. ... To establish inherency, the extrinsic evidence must make clear that the missing descriptive matter is necessarily present in the thing described in the reference.... (MPEP 2112

quoting *In re Rijckaert*, 9 F.3d 1531, 1534, (Fed. Cir. 1993), and *Ex parte Levy*, 17 USPQ2d 1461, 1464 (Bd. Pat. App.&Inter. 1990), emphasis in originals).

Applicants respectfully submit that separate channel blocks for real time and non-real time data are not necessarily part of Turunen because real time and non-real time data could be handled in a number of ways without requiring separate channel blocks. As such, separate channel blocks for real time and non-real time data are not inherent in the cited reference.

In addition, Turunen fails to disclose or suggest a non-real time channel block connected in parallel with the real time channel block, as recited in claims 1 and 7, and fails to disclose or suggest conveying information relating to non-real time service components in parallel with information relating to real time service components, as recited by claim 10.

In order to properly appreciate the difference between the applicant's invention and the Turunen reference (US 6,487,595) it is important to understand the difference between a multimedia connection and a conventional "single-medium" connection. The present invention is about the former, while Turunen speaks about the latter.

According to the multimedia viewpoint taken in the present invention, a certain (multimedia) connection may include both time-critical and not time-critical components. Practical examples are not completely straightforward, because the technology of multimedia connections is still very young and more a subject of research and development than a widespread commercial functionality. One example of a multimedia connection might be a "still image" video telephone call, in

which the speech part must function in real time as in conventional telephone connections, but a speaker may also use the very same connection to simultaneously transmit e.g. a previously stored photograph of his face to the other communicating party, so that the other party can get a more personal feeling by also seeing in a display, who he is talking with.

According to the conventional "single-medium" viewpoint of Turunen, a connection can be either a time-critical connection or a non time-critical one. Reading from column 2, line 47 onwards, it is easy to note how Turunen classifies e.g. real time voice telephony to be worth a Guaranteed Service classification, while other services must accept Controlled Load or Best Effort classifications. Turunen never discloses or suggests the idea of having multiple components within one connection, so that some of these components might be classified differently than others.

The key to classification in Turunen is QoS, Quality of Service. In column 5, lines 54-57, Turunen explains how the QoS allocation is always made prior to commencement of the transmission. An immediate consequence thereof is that the QoS is a common, unchangeable value for the whole transmission to come. It is not possible that the transmission according to Turunen would include certain first parts enjoying a certain first QoS as well as certain second parts having some second, different QoS.

Using claim 1 as an example, Applicants require the wireless terminal arrangement to act as a communicating party in a multimedia connection consisting of real time service components and non-real time service components. Additionally claim 1

requires that the real time channel block conveys the real time service components, and the non-real time channel block is connected in parallel with said real time channel block and conveys the non-real time service components. Turunen only discloses a wireless terminal arrangement that can act as a communicating party in single-medium connections. Consequently there are no parallel functional blocks in Turunen. Even though it is conventional to draw certain protocol layers side by side in a drawing, it is clear to the person skilled in the art that regarding each single connection, the protocols discussed in Turunen are mutually alternative and cannot be used parallel to each other. Turunen fails to deal with handling the applicant's claimed multimedia connections that comprise both time-critical and not time-critical components.

At least for these reasons, Applicants respectfully submit that independent claims 1, 7, and 10 and dependent claims 2, 3, 8, 9, and 11 are not anticipated by Turunen.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,

Joseph V. Gamberdell, Jr.
Joseph V. Gamberdell, Jr.
Reg. No. 44,695

Oct 20, 2003
Date

Perman & Green, LLP
425 Post Road
Fairfield, CT 06824
(203) 259-1800
Customer No.: 2512

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date indicated below as first class mail in an envelope addressed to the Commissioner of Patents, P.O. Box 1450, Alexandria VA 22313-1450.

Date: 10/20/03 Signature: Douglas W. Perman
Person Making Deposit